

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2003-0408-010-032

vs.

Jean Trusewicz, R.N., Lic. No. R27007
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated May 6, 2003. Dept. Exhs. 1 and 3. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jean Trusewicz, R.N. (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On May 21, 2003, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated May 21, 2003, scheduling a hearing for June 4, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by State Marshal on May 25, 2003. Dept. Exh. 1.

At respondent's request the hearing scheduled for June 4, 2003 was continued and rescheduled to October 15, 2003. Dept. Exh. 2.

The hearing took place on October 15, 2003, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, October 15, 2003, p. 2.

Respondent submitted a written Answer to the Statement of Charges. Board. Exh. 1.

Following the conclusion of the hearing the Board unanimously voted to vacate the Summary Suspension ordered on May 21, 2003.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number R27007 on January 21, 1975. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 3B.
2. Since on or about June 1981, respondent has been employed as a registered nurse at Milford Hospital, Milford, Connecticut. Dept. Exh. 3D, p. 2.
3. Pursuant to a Memorandum of Decision dated August 31, 1995 the registered nurse license of respondent was placed on probation until April 1, 1997. The order was based on findings that respondent diverted and abused the controlled substance Percocet while working as a registered nurse at Milford Hospital, Milford, Connecticut from August 1993 to January 1994. Dept. Exh. 3D.
4. On January 14, 2003, while working as a registered nurse at Milford Hospital, respondent signed out 2 doses of Percocet at 11:45 a.m. and another 2 doses of Percocet at 3:30 p.m. for patient A.W. There are corresponding entries on the medication administration record for patient A.W. Dept. Exh. 3A, pp. 13-14.
5. On February 2, 2003, while working as a registered nurse at Milford Hospital, respondent signed out 2 doses of Percocet at 8:00 a.m. for patient M.G. There are corresponding entries on the medication administration record for patient M.G. Dept. Exh. 3A, pp. 19-20.
6. On February 4, 2003, while working as a registered nurse at Milford Hospital, respondent signed out 2 doses of Percocet at 7:30 a.m. and another 2 doses of Percocet at 12:00 p.m. for patient A.C. There are corresponding entries on the medication administration record for patient A.W. Dept. Exh. 3A, pp. 8-10.
7. On February 21, 2003, while working as a registered nurse at Milford Hospital, respondent signed out 2 doses of Percocet at 8:30 a.m. and another 2 doses of Percocet at 12:00 p.m. for patient P.W. Respondent documented administering 2 Percocet at 8:30 a.m., 1 Percocet at 12:00 p.m., and 1 Percocet at 12:30 p.m. Dept. Exh. 3A, pp. 23-24.
8. Respondent's supervisor testified she did not believe that respondent diverted any Percocet from Milford Hospital during February 2003. She further testified there were no observable changes in respondent's ability to carry out usual nursing functions. Transcript, October 15, 2003, p. 26.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Jean Trusewicz held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Summary Suspension Order, Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges that in February 2003, while working as a registered nurse at Milford Hospital, respondent:

- a. diverted Percocet;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

PARAGRAPH 3 of the Statement of Charges alleges that as recently as February 2003, respondent abused or utilized to excess Percocet.

PARAGRAPH 4 of the Statement of Charges alleges that respondent's abuse of Percocet does, and/or may, affect her practice as a registered nurse.

Respondent denies these charges. Board Exh. 1.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

The Board concludes that the Department did not prove by a preponderance of the evidence that respondent's conduct failed to conform to the accepted standards of the nursing profession as alleged in Paragraphs 2, 3, and 4 of the Statement of Charges.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

The Statement of Charges dated May 6, 2003 is hereby dismissed.

The Board of Examiners for Nursing hereby informs respondent, Jean Trusewicz, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 7th day of April 2004.

BOARD OF EXAMINERS FOR NURSING

By Nancy Bedford

CERTIFICATION

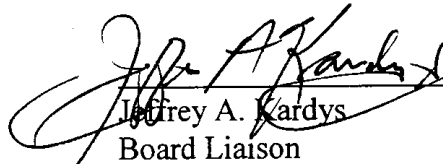
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 8th day of April 2004, by certified mail, return receipt requested, and first class mail to:

Jean Trusewicz
19 High Acres Road
Ansonia, CT 06401

Certified Mail RRR #70023150000038636143
and First Class Mail

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308


Jeffrey A. Kardys
Board Liaison
Department of Public Health
Public Health Hearing Office